

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 574

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, INCREASING SURFACE WATER MANAGEMENT SERVICE CHARGES AND AMENDING CHAPTER 13.10 OF THE BURIEN MUNICIPAL CODE**

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WHEREAS, on August 12, 2012, the City Council approved the Storm Drainage Master Plan, which included options for increasing surface water management service charges as necessary to fund the requirements of the City's 2013 National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, the City Council concurs with the staff recommendation for a two step rate increase of 12% in 2013 and 12% in 2015; and

WHEREAS, the amendment adopted herein will implement the recommended first step rate increase of 12% in 2013;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13.10 of the Burien Municipal Code, Surface Water Management, is hereby amended by amending BMC 13.10.350 to read as follows:

#### **13.10.350 Rate structure.**

(1) The service charges shall be based on the relative contribution of increased surface and surface water runoff from a given parcel to the surface and surface water management system. The percentage of impervious surfaces on the parcel, the total parcel acreage and any mitigating factors as provided in this chapter will be used to indicate the relative contribution of increased surface and surface water runoff from the parcel to the surface and surface water management system. The relative contribution of increased surface and surface water runoff from each parcel will determine that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council, of the cost of surface and surface water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose.

(2) The department shall determine the service charge for each parcel within the service area by the following methodology:

(a) Residential and very lightly developed nonresidential parcels shall receive a flat rate service charge for the reasons set forth in this chapter.

(b) Light to very heavily developed parcels shall be classified into the appropriate rate category by their percentage of impervious surface coverage. Land use codes or data collected from parcel investigations, or both, will be used to determine each parcel's percentage of impervious surface coverage.

After a parcel has been assigned to the appropriate rate category, the service charge for the parcel will be calculated by multiplying the total acreage of the parcel times the rate for that category.

(3) There are hereby imposed upon all developed properties in the service area annual service charges as follows:

**Surface Water Management  
Service Charges**

<b>Class</b>	<b>Impervious Surface %</b>	<b>Rate</b>
Residential	N/A	<del>\$102.00</del> <u>\$135.16</u> /parcel/year
Very Light	0 to 10%	<del>\$102.00</del> <u>\$135.16</u> /parcel/year
Light	greater than 10% to 20%	<del>\$255.01</del> <u>\$337.76</u> /acre/year
Moderate	greater than 20% to 45%	<del>\$544.02</del> <u>\$727.96</u> /acre/year
Moderately Heavy	greater than 45% to 65%	<del>\$918.03</del> <u>\$1,224.51</u> /acre/year
Heavy	greater than 65% to 85%	<del>\$1,258.05</del> <u>\$1,660.52</u> /acre/year
Very Heavy	greater than 85% to 100%	<del>\$1,598.06</del> <u>\$2,115.88</u> /acre/year

City Roads	N/A	Exempt
State Highways	N/A	Exempt

The minimum service charge in any class shall be ~~\$102.00~~\$135.16 per parcel per year. Mobile home parks' maximum annual service charges in any class shall be ~~\$102.00~~\$135.16 times the number of mobile home spaces.

(4) The city council will review the surface water management service charges annually to ensure the long-term fiscal viability of the program and to guarantee that debt covenants are met. The program will use equitable and efficient methods to determine service charges. [Ord. 489 § 2, 2008]

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect January 1, 2013.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5TH DAY OF NOVEMBER, 2012.

CITY OF BURIEN

/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:  
/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: November 5, 2012  
Passed by the City Council: November 5, 2012  
Ordinance No. 574  
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